

Adam Ford (NYB #4115531)
FORD & HUFF LC
228 Park Avenue South
New York, NY 10036
Telephone: (212) 287-5913
Email: adam.ford@fordhufflaw.com
Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE SOUTHERN DISTRICT OF NEW YORK**

STEPHEN GANNON, individually and on
behalf of all others similarly situated,

Plaintiff,

-against-

162 EAST BROADWAY LLC, RAISE
HOSPITALITY, LLC, JOHN DOE 1-X,
persons yet unknown, Limited Liability
Companies, Partnerships, Corporations 1-X,
entities yet unknown,

Defendants.

**[PROPOSED]
FINDINGS OF FACT
AND
CONCLUSIONS OF LAW**

Case No.

On May 13, 2022 this Court entered a Default Judgment [docket no. 24] in favor of Plaintiff. On May 17, 2022 the Court entered a further Order [docket no 26] directing Plaintiff to file Proposed Findings of Fact and Conclusions of Law “concerning all damages and any other monetary relief permitted under the entry of default judgment”.

FINDINGS OF FACT

1. The Plaintiff, Stephen Gannon, the “Plaintiff” was diagnosed with Metatarsal Osteomyelitis of the right foot in 2017. To stop the infection and preserve his life, Plaintiff’s right

leg was amputated just below the knee on June 2, 2019. Since the amputation, Plaintiff has used a manually powered wheelchair for mobility. In addition to the challenges associated with being a wheelchair user, Plaintiff suffers phantom limb pain.

2. The Plaintiff had to retain the undersigned counsel for the filing and prosecution of this action.

3. The Defendants, own, and/or lease, and/or have control over, and/or manage, and/or maintain, and/or designed, and/or built, and/or constructed, and/or altered, and/or operate, and at all relevant times operated, JAJAJA PLANTAS MEXICANA, located at 162 E. Broadway, New York, NY 10002 (hereinafter referred to as “Subject Facility”).

4. Defendant 162 EAST BROADWAY LLC, “Property Owner”, a limited liability company, organized under the laws of New York, owns, and/or leases, and/or manages, and/or has control over, and/or designed, and/or built, and/or constructed, and/or altered, and/or operates, and at all relevant times operated, the Subject Facility.

5. Defendant RAISE HOSPITALITY, LLC, “Tenant”, a limited liability company, organized under the laws of New York, and currently is, either an owner, landlord, lessor, lessee, and/or operator of the commercial space, on which the Subject Facility is located, and of the space in which it operates.

6. Notice of this action was served upon the attorney general, as required by New York Civil Rights Law, §40-d, in accordance with the statute.

7. Pursuant to New York City Human Rights Law §8-502(c), notice of this action was served upon the New York City Commission on Human Rights in accordance with the statute.

8. Property Owner, leases or rents its space, building and/or land, on which the Subject Facility is located, to the Tenant.

9. There are two entrances to the Subject Location, and both have step-ups, one of the door steps is approximately 8 inches and one is approximately 9 inches.

10. There is no ramp access at the Subject Location.

11. The barriers to access the Subject Facility have denied the Plaintiff ability to visit the property and have caused him personal injuries, including, but not limited to, pain of body and mind, emotional distress, embarrassment, humiliation and frustration.

12. The architectural barriers to access the Subject Facility have endangered the Plaintiff's safety.

13. The Defendants are discriminating against the Plaintiff, and others similarly situated, because at their Subject Facility they are denying him access to, as well as full and equal enjoyment of, the goods, services, facilities, privileges, advantages and/or accommodations of the building, and its parking lot, by means of the architectural barriers, the existence of which is in violation of the ADA, including, but not limited to, those listed above.

14. The Defendants' Subject Facility is not accessible to, or readily usable by, individuals with disabilities.

15. The Defendants do not provide the Plaintiff, and others similarly situated, with equal opportunity to use their public accommodation.

16. The Defendants' direct, or indirect, unequal treatment of the Plaintiff, and others similarly situated, was demonstrated when he was discriminated against.

17. The Defendants have, because of the Plaintiff's disability, directly, or indirectly, refused, withheld from, or denied him the accommodations, advantages, facilities, or privileges of their public accommodation.

18. The Defendants have demonstrated that the patronage, or custom, of the Plaintiff, and other similarly situated individuals, is unwelcome, unwanted, undesirable, unacceptable and objectionable.

19. Reasonable accommodations and modifications are necessary to enable the Plaintiff, and all others similarly situated, the ability to enjoy non-restricted access and use of the Defendants' Subject Facility.

20. As a direct and proximate result of the Defendants' disability discrimination the Plaintiff has suffered, and continues to suffer, personal injuries, including mental anguish and emotional distress, including, but not limited to, depression, humiliation, stress, embarrassment,

21. The Defendants, own, and/or lease, and/or have control over, and/or manage, and/or maintain, and/or designed, and/or built, and/or constructed, and/or altered, and/or operate, and at all relevant times operated, JAJAJA PLANTAS MEXICANA, located at 162 E. Broadway, New York, NY 10002 (hereinafter referred to as "Subject Facility").

22. Defendant 162 EAST BROADWAY LLC, "Property Owner", a limited liability company, organized under the laws of New York, owns, and/or leases, and/or manages, and/or has control over, and/or designed, and/or built, and/or constructed, and/or altered, and/or operates, and at all relevant times operated, the Subject Facility.

23. Defendant RAISE HOSPITALITY, LLC, "Tenant", a limited liability company, organized under the laws of New York, and currently is, either an owner, landlord, lessor, lessee,

and/or operator of the commercial space, on which the Subject Facility is located, and of the space in which it operates.

24. Property Owner, leases or rents its space, building and/or land, on which the Subject Facility is located, to the Tenant.

25. Pursuant to the mandates of 42 U.S.C. §12134(a), on July 26, 1991, the Department of Justice, Office of the Attorney General, promulgated Federal Regulations to implement the requirements of the ADA, known as the Americans with Disabilities Act Accessibility Guidelines (“ADAAG”), 28 CFR §36.504(a)(3)(ii), under which it may obtain civil penalties of up to \$110,000 for the first violation and \$150,000 for any subsequent violation.

26. The Department of Justice (“DOJ”) published revised regulations for Title III of the ADA in the Federal Register on September 15, 2010. “These regulations adopted revised, enforceable accessibility standards called the 2010 ADA Standards for Accessible Design, ‘2010 Standards’”. (See, 2010 Standards, Overview) These standards “set minimum requirements – both scoping and technical – for newly designed and constructed, or altered ... public accommodation, and commercial facilities to be readily accessible to and usable by individuals with disabilities.” Id. The DOJ provided that document in one publication and it includes the 2010 Standards for public accommodation and commercial facilities, which consist of the Title III regulations at 28 CFR Part 36, subpart D, and the 2004 ADAAG at 36 CFR Part 1191, appendices B and D.

27. The Subject Facility has begun operations, and/or undergone substantial remodeling, repairs and/or alterations in the 32 years since January 26, 1990, and/or has sufficient income and/or assets to make accessibility modifications readily achievable.

28. There are two entrances to the Subject Location, and both have step-ups, one of the door steps is approximately 8 inches and one is approximately 9 inches.

29. There is no ramp access at the Subject Location.

30. The barriers to access the Subject Facility have effectively denied the Plaintiff ability to visit the property and have caused him personal injuries, including, but not limited to, pain of body and mind, emotional distress, embarrassment, humiliation and frustration.

31. The architectural barriers to access the Subject Facility have endangered the Plaintiff's safety.

32. It was not structurally impracticable for the Defendants to make the Subject Facility accessible.

33. Removal of all architectural barriers existing at the Subject Facility was, and is, readily achievable by the Defendants.

34. The Defendants may, should and are required to make reasonable accommodations at the Subject Facility and their making them would be readily achievable.

35. Accommodations to the Plaintiff, and other persons similarly situated, and removal of architectural barriers at the Subject Facility by the Defendants, are readily achievable, would not impose an undue hardship on them and would not fundamentally alter the nature of their program, activity, or nature of the business.

36. The Plaintiff has a realistic, credible, existing and continuing threat of discrimination from the Defendants' non-compliance with the ADA in connection with the Subject Facility.

37. The Defendants' failure to make their Subject Facility accessible denied the Plaintiff and others, similarly situated, an equal opportunity to participate in, or to benefit from, services, or accommodations, on the basis of their disability.

38. The effect of the practices complained of has been to deprive the Plaintiff, and all other similarly situated individuals, of the full and equal enjoyment of the Subject Facility and to otherwise adversely affect his status as a member of the public interested in accessing the place of public accommodation owned, leased, leased to, constructed, maintained, managed and/or operated by the Defendants.

39. The Defendants' Subject Facility is not accessible to, or readily usable by, individuals with disabilities.

40. The inexcusability of the Defendants' actions is exacerbated by the fact that 26 years have passed since the effective date of Title III of the ADA. During that time period they operated at a profit, should have accumulated sufficient funds to make alterations and had numerous opportunities to remove the architectural barriers and end discrimination, but intentionally chose not to do so. By intentionally not removing the architectural barriers, which barred the Plaintiff's access, inconvenienced and embarrassed him, humiliated him and caused him personal injuries, including emotional distress to him, and others similarly situated, the Defendants gave a crystal-clear message to disabled customers that their patronage is neither needed, desired, welcomed, or wanted.

41. The Defendants do not provide the Plaintiff, and others similarly situated, with equal opportunity to use their public accommodation.

42. The Defendants' direct, or indirect, unequal treatment of the Plaintiff, and others similarly situated, was demonstrated when he was discriminated against.

43. The Defendants have, because of the Plaintiff's disability, directly, or indirectly, refused, withheld from, or denied him the accommodations, advantages, facilities, or privileges of their public accommodation.

44. The Defendants have demonstrated that the patronage, or custom, of the Plaintiff, and other similarly situated individuals, is unwelcome, unwanted, undesirable, unacceptable and objectionable.

45. The Defendants have violated the Plaintiff's civil rights on the basis of his disability.

46. Reasonable accommodations and modifications are necessary to enable the Plaintiff, and all others similarly situated, the ability to enjoy non-restricted access and use of the Defendants' Subject Facility.

CONCLUSIONS OF LAW

47. This Federal Court has jurisdiction over this action pursuant to 28 U.S.C. §451, §1331, §1337, §1343, §2201, §2202 and 42 U.S.C.A. §12181, *et seq.*, as it involves federal questions regarding the deprivation of the Plaintiff's rights under the ADA.

48. This Court has supplemental jurisdiction over the Plaintiff's allegations arising from the Defendants' state law violations pursuant to 28 U.S.C. §1367(a).

49. Venue is proper in this district pursuant to 28 U.S.C. §1391(b), because all events, or omissions, giving rise to this action, and alleged herein, occurred in this district. Venue is also

proper in this district, because the Defendants' property, a public accommodation, which is the subject of this action, is located in, and does business within, this judicial district.

50. Plaintiff is disabled and is authorized under §308 of the ADA, 42 U.S.C. §12188(a) and CFR §36.104 – incorporating by reference the remedies and procedures found in 42 U.S.C. 2000a-3, §204 of the Civil Rights Act of 1964 – to bring this action.

51. The Plaintiff is the “prevailing” party in this litigation as defined in NYC Admin. Code §8-502(g) and the fee-shifting provision of the Americans with Disabilities Act, 42 U.S.C. § 12205.

52. It is unlawful for a private entity, which owns, leases, leases to, or operates a place of public accommodation, to discriminate against an individual with a disability. 42 U.S.C. §12182(b)(1)(A), 28 CFR §36.201(a) and (b).

53. Plaintiff was discriminated against on the basis of disability and denied full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of the place of public accommodation owned, leased, controlled, managed, or operated, by the Defendants.

54. The Subject Facility is a public accommodation within the meaning of Title III of the ADA, 42 U.S.C. §12181(7)(E) and 28 CFR §36.104 Place of public accommodation (5), New York State Human Rights Law §292(9) and New York City Human Rights Law, Admin. Code of the City of New York, §8-107(4).

55. The Subject Facility affects interstate commerce within the meaning of the ADA. 42 U.S.C. §12181(7)(E) and 28 CFR §36.104 Place of public accommodation (5).

56. Because the Subject Facility is a public accommodation, the Defendants are responsible for complying with the ADA. 28 CFR §36.304

57. The landlord, who owns the building that houses a place of public accommodation and the tenant, who owns, or operates the place of public accommodation, each have an individual and non-delegable duty to comply with the ADA, the New York State Civil Rights Laws, the New York State Human Rights Laws and the New York City Human Rights Laws. 28 CFR §36.201(a) and (b)

58. The Defendants are discriminating against the Plaintiff, and others similarly situated, because at their Subject Facility they are denying him access to, as well as full and equal enjoyment of, the goods, services, facilities, privileges, advantages and/or accommodations of the building, and its parking lot, by means of the architectural barriers, the existence of which is in violation of the ADA, including, but not limited to, those listed above.

59. The individual Plaintiff, and all others similarly situated, will continue to suffer discrimination and injury without the immediate relief provided by the ADA, as requested herein. In order to remedy this discriminatory situation, the Plaintiff requires an inspection of the Defendants' Subject Facility in order to measure and photograph architectural barriers that are in violation of the ADA to determine all of the areas of non-compliance with the law.

60. The Defendants have failed to remove architectural barriers to accessibility to the Subject Facility in violation of 42 U.S.C. §12182(b)(2)(A)(iv). The Subject Facility has not been designed, constructed, altered, or maintained in compliance with the accessibility standards of Title III of the ADA.

61. The Defendants have violated their statutory obligation to ensure that their policies, practices and procedures address compliance with the 2010 Standards in that they did not make reasonable accommodations for the individual Plaintiff, and all others similarly situated, and also violated their obligation to remove architectural barriers in order to let disabled individuals enjoy goods and services provided by the public accommodation under their control, thus discriminating against them.

62. Pursuant to the ADA, 42 U.S.C. §12101, §12182 and 28 CFR §36.304, the Defendants were required to make their Subject Facility accessible to persons with disabilities, and should have removed architectural barriers by January 26, 1992. To date, the Defendants have failed to comply with that mandate.

63. The Defendants' failure to remove the barriers to access constitutes a pattern and practice of intentional disability discrimination and is subject to enforcement under 42 U.S.C. §12188 and 28 CFR §503.

64. The doors at the Subject Location with the step-up are not accessible under ADAAG because they both violate Section 303.2 which requires any vertical changes in level to be less than 1/4 inch high along the accessible route.

65. Pursuant to Section 303.4 of ADAAG any change in level great than 1/2 inch must be ramped and the ramp must comply with Section 405, including having fixed handrails as the rise is greater than 6 inches.

66. The doors at the Subject Location with the step-up are not accessible under ADAAG because they both violate Section 303.2 which requires any vertical changes in level to be less than 1/4 inch high along the accessible route.

67. Pursuant to Section 303.4 of ADAAG any change in level great than 1/2 inch must be ramped and the ramp must comply with Section 405, including having fixed handrails as the rise is greater than 6 inches.

68. Paragraphs 28-29 and 65-68 set forth five (5) separate violations of New York State Civil Rights Laws §40-c and §40-d.

69. The Plaintiff has encountered the violations of the ADA and ADAAG at the Subject Facility and has experienced difficulty gaining access to the Subject Facility, because of the unlawful architectural barriers, and therefore suffered an injury in fact.

70. The Defendants are engaging in unlawful practices in violation of the ADA, the New York State Civil Laws, the New York State Human Rights Laws and the New York City Human Rights Laws.

71. The Plaintiff has encountered the violations of the ADA and ADAAG at the Subject Facility and has experienced difficulty gaining access to the Subject Facility, because of the unlawful architectural barriers, and therefore suffered an injury in fact.

72. The Defendants are engaging in unlawful practices in violation of the ADA, the New York State Civil Laws, the New York State Human Rights Laws and the New York City Human Rights Laws.

73. The Plaintiff has difficulties visiting the Defendants' Subject Facility, continues to be discriminated against due to the architectural barriers, which remain at the Subject Facility, all in violation of the ADA, the New York State Civil Rights Laws, and the New York State and the New York City Human Rights Laws.

74. Because the Subject Facility is a public accommodation, the Defendants are responsible for complying with the ADA. 28 CFR §36.304

75. The individual Plaintiff, and all others similarly situated, will continue to suffer discrimination and injury without the immediate relief provided by the ADA, as requested herein. In order to remedy this discriminatory situation, the Plaintiff requires an inspection of the Defendants' Subject Facility in order to measure and photograph architectural barriers that are in violation of the ADA to determine all of the areas of non-compliance with the law.

76. The Defendants have failed to remove architectural barriers to accessibility to the Subject Facility in violation of 42 U.S.C. §12182(b)(2)(A)(iv). The Subject Facility has not been designed, constructed, altered, or maintained in compliance with the accessibility standards of Title III of the ADA.

77. The Defendants have violated their statutory obligation to ensure that their policies, practices and procedures address compliance with the 2010 Standards in that they did not make reasonable accommodations for the individual Plaintiff, and all others similarly situated, and also violated their obligation to remove architectural barriers in order to let disabled individuals enjoy goods and services provided by the public accommodation under their control, thus discriminating against them.

78. Pursuant to the ADA, 42 U.S.C. §12101, §12182 and 28 CFR §36.304, the Defendants were required to make their Subject Facility accessible to persons with disabilities, and should have removed architectural barriers by January 26, 1992. To date, the Defendants have failed to comply with that mandate.

79. The Defendants' failure to remove the barriers to access constitutes a pattern and practice of intentional disability discrimination and is subject to enforcement under 42 U.S.C. §12188 and 28 CFR §503.

80. It was not structurally impracticable for the Defendants to make the Subject Facility accessible.

81. Removal of all architectural barriers existing at the Subject Facility was, and is, readily achievable by the Defendants.

82. The Defendants may, should and are required to make reasonable accommodations at the Subject Facility and their making them would be readily achievable.

83. Accommodations to the Plaintiff, and other persons similarly situated, and removal of architectural barriers at the Subject Facility by the Defendants, are readily achievable, would not impose an undue hardship on them and would not fundamentally alter the nature of their program, activity, or nature of the business.

84. The Plaintiff has a realistic, credible, existing and continuing threat of discrimination from the Defendants' non-compliance with the ADA in connection with the Subject Facility.

85. The Defendants' failure to make their Subject Facility accessible denied the Plaintiff and others, similarly situated, an equal opportunity to participate in, or to benefit from, services, or accommodations, on the basis of their disability.

86. The effect of the practices complained of has been to deprive the Plaintiff, and all other similarly situated individuals, of the full and equal enjoyment of the Subject Facility and to otherwise adversely affect his status as a member of the public interested in accessing the place of

public accommodation owned, leased, leased to, constructed, maintained, managed and/or operated by the Defendants.

87. Pursuant to 42 U.S.C. §12188, this Court was vested with the authority to grant the Plaintiff injunctive relief, including an order to alter the Subject Facility, to make it accessible to, and useable by, the Plaintiff, and other similarly situated individuals with disabilities, to the extent required by the ADA, as well as close the Subject Facility until the required modifications are completed.

88. The Defendants' Subject Facility is a place of public accommodation, as defined in New York State Human Rights Law §292(9).

89. The Defendants have further violated the New York State Human Rights Law by being in violation of the rights provided under the ADA.

90. The Defendants are in violation of the New York State Human Rights Law by denying the Plaintiff, and others similarly situated, full and safe access to all of the benefits, accommodations and services of the Subject Facility.

91. The Defendants have failed to make all readily achievable accommodations and modifications to remove barriers to access in violation of Executive Law §296(2)(c)(iii).

92. As a direct and proximate result of the Defendants' unlawful discrimination, which is in violation of the Executive Law, the Plaintiff has suffered, and continues to suffer, personal injuries, which include emotional distress, including, but not limited to, humiliation, embarrassment, stress and anxiety.

93. The Defendants have not provided the Plaintiff, and others similarly situated, with evenhanded treatment in violation of New York State Human Rights Law §296.

94. In violation of the New York State Human Rights Laws the Defendants and their agents discriminated against the Plaintiff.

95. As a direct and proximate result of the Defendants' unlawful discrimination, which was, and is, in violation of the New York State Human Rights laws, the Plaintiff has suffered, and continues to suffer, personal injuries, such as mental anguish and emotional distress, including, but not limited to, depression, humiliation, stress, embarrassment, anxiety, loss of self-esteem and self-confidence, together with emotional pain and suffering.

96. The Plaintiff is entitled compensatory damages from each Defendant in the amount of \$1,000 under the New York State Human Rights Law, NY CLS Exec §297(9).

97. Because the Defendants violated the Plaintiff's civil rights on the basis of his disability, the Plaintiff is entitled to recover the penalty prescribed by Civil Rights Law §40-c and §40-d, in the amount of \$500 for each violation from each Defendant.

98. Pursuant to the New York Civil Rights law, §40-d, the Defendants are guilty of a class A misdemeanor.

99. The Defendants have not reasonably accommodated the Plaintiff, and other disabled individuals, in violation of New York City's Administrative Code §8-102(4), (16), (17), (18), §8-107(4) and §8-107(15).

100. In violation of the New York City Administrative Code, the Defendants have unlawfully discriminated against the Plaintiff and all others similarly situated.

101. In violation of the New York City Administrative Code the owners, operators, lessees, proprietors, managers, agents and/or employees of the Defendants' Subject Facility have,

because of the actual, or perceived, disability of the Plaintiff directly, or indirectly, refused, withheld from, and denied him the accommodations, advantages, facilities, or privileges thereof.

102. In violation of the New York City Administrative Code, on the basis of the Plaintiff's disability, the Defendants have demonstrated that the patronage, or custom, of the Plaintiff, and all others similarly situated, is unwelcome, objectionable and not acceptable.

103. The Defendants are in violation of the New York City Human Rights Law by denying the Plaintiff full and safe access to all of the benefits, accommodations and services of the Subject Facility.

104. The Plaintiff is awarded compensatory damages in the amount of \$1,000 from each Defendant under the New York City Human Rights Law, NYC Admin. Code §8-125.

105. The Plaintiff is awarded attorney's fees, including litigation expenses, and costs, including expert fees, paid by the Defendants, pursuant to the ADA, 28 CFR §36.505, NYC Admin. Code §8-502(g) and New York Executive Law §297(10).

106. Pursuant to 42 U.S.C. §12188 this Court is vested with the authority to grant the Plaintiff injunctive relief, including an order to alter the Subject Facility to make it readily accessible to, and useable by, individuals with disabilities to the extent required by the ADA, the New York State Civil Rights Law, the New York State Human Rights Law, the New York City Human Rights Law and close the Subject Facility until the requisite modifications are completed.

107. The Plaintiff requests the Court to issue a permanent injunction enjoining the Defendants from disability discrimination.

108. The Plaintiff requests the Court to issue a permanent injunction and order the Defendants to alter their Subject Facility to make it readily accessible to and usable by individuals with disabilities.

109. The Plaintiff requests the Court to issue a permanent injunction requiring the Defendants to make all necessary modifications to the Defendants' policies, practices and procedures, so that the Plaintiff, and other persons similarly situated, would not be subject to further unlawful discrimination.

110. Injunctive relief is also necessary to order the Defendants to provide auxiliary aid, or service, and/or alternative methods, to allow the Plaintiff, and others similarly situated, to use the place of public accommodation in accordance with Title III of the ADA, the New York State Civil Rights Laws, the New York State Human Rights Laws and the New York City Human Rights Laws.

111. The Plaintiff is entitled to a declaratory judgment affirming that the violations of the ADA, the New York State and the New York City laws committed by the Defendants exist and specifying the rights of the Plaintiff, and other persons similarly situated, as to the removal of the architectural barriers from the Defendants' Subject Facility by the Defendants.

WHEREFORE, for the reasons stated above, Plaintiff Gannon is entitled to the damages and injunctive and declaratory relief as follows:

A. A permanent injunction is granted

- i.) Enjoining Defendants, their officers, management personnel, employees, agents, successors and assigns from engaging in discrimination based on disability;

- ii.) Requiring Defendants to alter the ground floor of the Subject Facility to make it readily accessible to, and usable for, individuals with disabilities, specifically:
 - 1. Replacing the step at the Subject Location with a ramp which complies with Section 405 of ADAAG; and,
 - 2. Ensuring that the accessible route into the Subject Facility from the public sidewalk complies with Section 402 and 403 of the ADAAG.
 - iii.) Compelling Defendants to make all necessary modifications to its policies, practices and procedures, so that Plaintiff would not be subject to further discrimination;
 - iv.) Ordering Defendants to provide auxiliary aids and services, as well as to modify its policies, or procedures, or provide an alternative method, so that Plaintiff would be able to obtain the full and equal enjoyment of the Subject Facility owned, operated, maintained, or leased, by Defendants, in accordance with Title III of the ADA, the New York State Civil Rights Laws, the New York State Human Rights Laws and the New York City Human Rights Laws;
 - v.) Ordering Defendants to make the Subject Facility readily accessible to and usable by individuals with disabilities;
- B. Defendants will alter its facilities and amenities to make them accessible to, and usable by, individuals with disabilities to the full extent required by Title III of the ADA, the New York State Civil Rights Laws, the New York State Human Rights Laws and the New York City Human Rights Laws;

- C. Plaintiff is awarded compensatory damages in the amount of \$1,000 under the New York State Human Rights Law and \$1,000 under the New York City Human Rights Law for a total of \$2000;
- D. Defendants are liable to Plaintiff for \$2,500 in statutory damages for the five violations of AADAG as set forth above and that sum is awarded to Plaintiff pursuant to the New York State Civil Rights Laws §40-c and §40-d;
- E. Jurisdiction is retained over Defendants until their unlawful practices, acts and omissions no longer exist;
- F. Plaintiff is a prevailing party in this litigation and is awarded attorney's fees and costs in an amount to be shown by Declaration of Attorney's Fees and Costs, including fees and costs incurred in the enforcement of the Default Judgment (docket no. 24) and this Order;
- G. Defendants will rectify all of the violations of the ADA, which were enumerated in the Complaint, and take the following actions:
 - i.) submit to Plaintiff's counsel an architectural plan that remedies the violations, identified herein, within 90 days of the filing of the proof of service of this Order;
 - ii.) within 60 days from receipt of Defendant's plans, Plaintiff shall consent to it, or seek further relief from the Court; and
 - iii.) Defendants will make any necessary alterations within 120 days of Plaintiff's consent, or subsequent Order of this Court.

IT IS SO ORDERED.

Signed: _____, 2022

Lorna G. Schofield
United States District Judge

Prepared and submitted, this 13th day of June 2022.

FORD & HUFF LC

/s/ Adam Ford

Adam Ford (NYB #4115531)

Attorney for Plaintiff